

1 **SECTION 121.** 21.50 (1) and (2) of the statutes are renumbered 321.21 (2) (a) and
2 (b) and amended to read:

3 321.21 (2) (a) Each commanding officer ~~to whom state or federal~~ who is issued
4 military property is issued ~~may be required to execute to the state a bond, with such~~
5 sureties and in such form and amount as the adjutant general shall approve,
6 conditioned for the faithful preservation and care of all such arms, accoutrements
7 moneys, or stores that the officer received, to indemnify the state against loss by
8 misuse or misapplication by the officer or any other person; to or money shall account
9 for all of the same according to law, and to the property and money, deliver the same
10 the property and money to any officer lawfully entitled thereto, ~~on demand~~ to receive
11 them, and to pay all sums lawfully appraised for all losses or damages to that
12 property or money.

13 (b) The unit commander is the legal custodian has control of the money, and
14 military property and effects of any company sized unit or detachment of the national
15 guard, whether said the money or property is owned by said the unit or detachment
16 or its members collectively, or has been issued to it or any of its officers, for its use
17 by the state or the United States authority, and. The unit commander may sue for and
18 recover possession of the same money or military property, whenever it is wrongfully
19 withheld from the unit commander's custody ~~or the custody~~ control of the unit or
20 detachment.

***NOTE: Can a unit own money or property? Those are usually owned by the state governmental unit.

21 **SECTION 122.** 21.50 (3) and (4) of the statutes are repealed.

22 **SECTION 123.** 21.51 of the statutes is renumbered 321.13.

23 **SECTION 124.** 21.52 of the statutes is renumbered 321.14 and amended to read:

1 **321.14 Authority to administer oaths.** Any officer of the national guard or
2 any officer of the U.S. armed forces may administer oaths of enlistment in the
3 national guard.

4 **SECTION 125.** 21.54 of the statutes is renumbered 321.15 and amended to read:

5 **321.15 Resignation of officer.** A commissioned officer may resign the
6 officer's his or her commission by submitting the written resignation to the officer's
7 his or her immediate commanding officer, ~~in writing, who.~~ The commanding officer
8 shall promptly forward the ~~same~~ resignation through military channels to the
9 adjutant general. The governor shall, by order, accept or reject the ~~same~~ resignation,
10 and, if accepted, fix the effective date of its ~~taking effect.~~ No ~~the~~ resignation shall
11 ~~take effect except as so ordered.~~

12 **SECTION 126.** 21.56 (title) of the statutes is repealed.

13 **SECTION 127.** 21.56 (1) and (2) of the statutes are renumbered 321.21 (3) (a) and
14 (b) and amended to read:

15 321.21 (3) (a) All state-owned military property or money issued to any officer
16 or armory facility manager shall be audited annually as a part of the annual
17 inspection of federal property accounts. When damages damage, other than fair
18 reasonable wear and tear, or loss of state-owned property is discovered, the adjutant
19 general shall appoint a surveying officer to determine the cause and fix blame. Upon
20 review, the adjutant general may hold responsible individuals pecuniarily
21 financially liable, and ~~may require a depreciated payment, as determined by the~~
22 ~~adjutant general, into the state treasury.~~ If it is determined that the property or
23 money was damaged, destroyed or lost without fault or neglect on the part of those
24 responsible, all concerned ~~may~~ shall be relieved of liability.

(b) Whenever any state-owned military property becomes unsuitable, unserviceable, or no longer required for military purposes, it shall be disposed of as surplus property subject to s. 16.72 (4) and (5).

SECTION 128. 21.57 (title) of the statutes is repealed.

SECTION 129. 21.57 (1) and (2) of the statutes are renumbered 321.21 (4) (a) and (b) and amended to read:

321.21 (4) (a) ~~Whenever any~~ When an officer who is responsible for state military property or money is separated or reassigned, all military property or money in the officer's possession or for which the officer is responsible shall be delivered to become the responsibility of the person designated the adjutant general designates to receive the property ~~by the adjutant general or money~~. No separation ~~or reassignment~~ shall be effective until all property accounts have been settled.

(b) ~~In case of the death of any~~ If an officer having custody control of state military property or money dies, the next in command shall immediately take charge of such the property or money and deliver ~~the same~~ the property or money to the person the adjutant general appointed to receive control the property ~~by the adjutant general or money~~.

SECTION 130. 21.59 of the statutes is repealed.

SECTION 131. 21.60 of the statutes is repealed.

SECTION 132. 21.61 (title) of the statutes is repealed.

SECTION 133. 21.61 (1), (3), (4) and (5) of the statutes are renumbered 321.23 (1) (a), (b), (c) and (d) and amended to read:

321.23 (1) (a) ~~The governing body of any city, village, town or county~~ A political subdivision or federally recognized Indian tribe or band in which one or more ~~companies~~ units of the national guard ~~may be~~ is located may erect build or purchase

1 a suitable armory for the purpose of drill and for the safekeeping of the arms,
2 equipment, uniforms and other military property furnished by the state, and for
3 public meetings and conventions, when such that use will not interfere with the use
4 of such the building by the national guard. Plans and specifications The adjutant
5 general and the building commission may review and approve or reject plans and
6 specifications for such the armories shall be inspected and approved by the governor
7 and the adjutant general who. The adjutant general and the department of
8 administration shall file with the governing body of the city, village, town or county
9 political subdivision or the federally recognized Indian tribe or band a certificate of
10 such inspection and approval prior to before the erection thereof construction of an
11 armory.

12 (b) ~~The governing body of any city, village, town or county~~ A political
13 subdivision or federally recognized Indian tribe or band in which any such company
14 unit of the national guard may be is located may purchase land and build armories
15 in the same manner as the governing body political subdivision or tribe or band is
16 now authorized by law to build other city, village, town or county buildings, and
17 ~~when.~~ When unable to agree upon the price of land with its owner, the political
18 subdivision or federally recognized Indian tribe or band may, if in its opinion
19 necessary, appropriate land for the purpose of building armories in the same manner
20 as the governing body political subdivision or tribe or band is now authorized by law
21 to appropriate real estate for other city, village, town or county buildings. In case
22 however If a city, village, town or county shall have political subdivision or federally
23 recognized Indian tribe or band aided in the erection building of an armory and the
24 company or companies of the national guard for which the armory was erected shall
25 ~~at any time be built is~~ disbanded, then the armory shall become the property of the

1 ~~city, village, town or county in which~~ political subdivision or tribe or band that aided
2 in the building of the armory is erected.

3 (c) ~~Such~~ The armory, when erected built or purchased, shall be under the
4 control and charge of the governor, the adjutant general, and ~~the~~ commanding officer
5 of the ~~company or companies~~ unit of the national guard for which it has been
6 provided. The commanding officer shall ~~cause to be deposited therein,~~ deposit in the
7 armory all arms, uniforms and equipment military property received from the
8 governor and the adjutant general ~~who.~~ The adjutant general may make such rules
9 as they deem proper for the observance of regulations, instructions or issue policies to be followed by all officers
10 and persons having charge of such the armories or occupying any part thereof of the
11 armories.

***NOTE: Since DMA says they do not issue rules, I changed the last sentence to
use "policies." OK?

12 (d) Whenever any ~~county, city, town or village~~ erects political subdivision or
13 federally recognized Indian tribe or band constructs a building as a memorial to the
14 ~~soldiers, sailors and marines~~ members of the U.S. armed forces or national guard
15 who served in any war or armed conflict of the United States and makes provision
16 ~~therein~~ in the memorial building for the accommodation of one or more companies
17 of the national guard having no regularly established armory, the ~~governor, adjutant~~
18 ~~general or other state officers~~ having control of ~~armory accommodations and~~
19 ~~regulations~~ shall, whenever practicable, rent the armory provided in such the
20 memorial building for the use of those companies of the national guard.

21 SECTION 134. 21.612 of the statutes is repealed.

22 SECTION 135. 21.616 (title) of the statutes is repealed.

1 **SECTION 136.** 21.616 of the statutes is renumbered 321.23 (2) and amended to
2 read:

3 321.23 (2) The department of ~~military affairs is authorized and directed~~ may,
4 when contributions ~~therefor~~ are made available by the federal government under the
5 ~~national defense facilities act of 1950 or any act or acts amendatory thereof or~~
6 ~~supplementary thereto, to~~ federal law, expand, rehabilitate, equip, or convert
7 facilities owned by the state and ~~to~~ acquire, construct, expand, rehabilitate, equip,
8 or convert additional facilities. The department of ~~military affairs may on the part~~
9 of the state accept such the federal contributions in the manner prescribed by federal
10 law or regulation, and may accept ~~on behalf of the state~~ the lawful terms and
11 conditions ~~thereof~~ of a federal contribution. The department of ~~military affairs shall~~
12 ~~take such steps and have all the functions and~~ has the duties and powers necessary,
13 ~~consistent with the appropriation therefor,~~ to acquire contributions under any such
14 federal act law and to undertake and complete any such a project described in this
15 subsection in conformity with the applicable federal act law and this section
16 subsection.

17 **SECTION 137.** 21.62 of the statutes is repealed.

18 **SECTION 138.** 21.63 of the statutes is repealed.

19 **SECTION 139.** 21.70 (title) of the statutes is repealed.

20 **SECTION 140.** 21.70 (1) and (2) of the statutes are renumbered 321.02 (1) and
21 (2) and amended to read:

22 321.02 (1) The governor may request volunteers of from the national guard to
23 provide assistance to federal, state and local law enforcement officers, within or
24 outside the boundaries of this state, in drug interdiction and counter-drug activities
25 under 32 USC 112. These activities may include the operation and maintenance of

1 equipment and facilities. The governor may order, with their consent, any national
2 guard members who volunteer under this ~~section~~ subsection to duty in federally
3 funded status. The governor may delegate his or her authority under this ~~section~~
4 subsection to the adjutant general. The adjutant general shall follow all laws and
5 regulations of the U.S. department of defense when ordering national guard
6 members to perform drug interdiction and counter-drug activities under this ~~section~~
7 subsection.

8 (2) A national guard member assisting in drug interdiction and counter-drug
9 activities under this ~~section~~ subsection shall obey and execute the instructions of a
10 law enforcement officer from the assisted agency involved in these activities that are
11 given to the national guard member through the military chain of command.

12 **SECTION 141.** 21.72 of the statutes is renumbered 321.60, and 321.60 (1) (c), (2),
13 (5) and (6), as renumbered, are amended to read:

14 321.60 (1) (c) "Service member" means a member of a reserve unit of the U.S.
15 armed forces, a member of the state defense force, or a member of a national guard
16 unit of any state who is a resident of Wisconsin.

17 (2) Any license that a service member holds, the expiration date of which is
18 after September 11, 2001, except a license to practice law, does not expire on the
19 expiration date of the license if, on the expiration date, the service member is on state
20 ~~active duty under ch. 21 or on active duty in the U.S. armed forces~~. If the supreme
21 court agrees, a license to practice law that a service member holds, the expiration
22 date of which is after September 11, 2001, does not expire on the expiration date of
23 the license if, on the expiration date, the service member is on state active duty ~~under~~
24 ~~ch. 21 or on active duty in the U.S. armed forces~~. A license extended under this
25 subsection expires 90 days after the service member is discharged from active duty.

1 (5) The department of ~~military affairs~~ shall assist any service member who
2 needs assistance to renew or extend a license under this section.

3 (6) The department of ~~military affairs~~ shall prepare and distribute to
4 appropriate agencies and persons, at no cost to those agencies or persons, a brochure
5 explaining the provisions of this section.

6 SECTION 142. 21.74 (title) of the statutes is renumbered 321.61 (title) and
7 amended to read:

8 **321.61 (title) ~~Soldiers and sailors~~ Service members civil relief act for**
9 **property taxes and mobile telephone contracts; federal service active duty.**

10 SECTION 143. 21.74 (1) of the statutes is renumbered 321.61 (1) (a) and
11 amended to read:

12 321.61 (1) (a) In this section ~~subsection~~, unless the context indicates otherwise:

13 1. "Interest and penalties" means interest and penalties accruing on taxes
14 during the period of ~~military service~~ federal active duty and 6 months thereafter. In
15 case several owners jointly own property, other than property held jointly or as
16 marital property with the spouse of the person in ~~military service~~ federal active duty,
17 interest and penalties means the proportionate share of the total interest and
18 penalties commensurate with the equity in the property of the person in ~~military~~
19 ~~service~~ federal active duty.

20 2. "Person in ~~military service~~ federal active duty" means any man or woman
21 who is serving ~~on~~ in federal active duty in the U.S. armed forces, except service on
22 ~~active duty for training purposes for a period of 90 days or more.~~

23 3. "Property" means any real estate or personal property belonging to a person
24 in ~~military service~~ federal active duty that was acquired prior to the commencement
25 of ~~military service~~ the federal active duty or that was acquired by descent.

1 4. "Taxes" means any general property taxes or special assessments or tax
2 certificates evidencing those taxes and assessments not belonging to private buyers.

3 **SECTION 144.** 21.74 (2), (3), (4), (5), (6) and (7) of the statutes are renumbered
4 321.61 (1) (b), (c), (d), (e), (f) and (g) and amended to read:

5 321.61 (1) (b) To supplement and complement the provisions of 50 App. USC
6 501, and to afford and obtain greater peace and security for persons in ~~military~~
7 ~~service~~ federal active duty, the enforcement of certain tax obligations or liabilities
8 that may prejudice the property rights of persons in ~~military service~~ federal active
9 duty may be temporarily suspended as provided in this ~~section~~ subsection.

10 (c) Any person ~~while in the military service of the United States~~ federal active
11 duty or within 6 months after terminating ~~service~~ that duty, or the person's agent or
12 attorney during that period, may petition the circuit court of any county in which the
13 person owns property for relief under this ~~section~~ subsection. Upon filing of the
14 petition the court shall make an order fixing the time of hearing and requiring the
15 giving of notice of the hearing. If after the hearing the court finds that the person
16 is, or within 6 months next preceding the filing of the petition was, in ~~the military~~
17 ~~service of the United States~~ federal active duty and owns property within the county
18 on which taxes have fallen or will fall due, and that the person's ability to pay the
19 taxes has been materially adversely affected by reason of being in ~~military service~~
20 federal active duty, the court shall enter an order determining that the person is
21 entitled to relief under this ~~section~~ subsection. The court may suspend proceedings
22 for the collection of taxes on the property for a period not exceeding 6 months after
23 termination of the ~~military service~~ federal active duty of the person, or for the time
24 reasonably necessary to complete the agreement provided in ~~sub. (7) par. (g)~~.
25 Thereafter, the property shall not be included in tax certificates issued to enforce

1 collection of taxes on property, and all proceedings for that purpose shall be
2 suspended, except under terms that the court may order.

3 (d) Whenever any tax or assessment on real property, including all special
4 assessments, is not paid when due, any interest or penalty under s. 74.47 and the
5 maximum limitation of 6 percent per year ~~as provided~~ under 50 App. USC 501 shall
6 be waived for the purpose and under the conditions specified in this ~~section~~
7 subsection.

8 (e) The penalties and interest waived under this ~~section~~ subsection are those
9 for nonpayment of all taxes or assessments, general or special, falling due during the
10 period of ~~military service~~ federal active duty of any person against either real or
11 personal property of which the person is the bona fide owner or in which the person
12 has an interest.

13 (f) The person owning or having an interest in any property in respect to which
14 the order under ~~sub. (3) par. (c)~~ is made, or the person's agent or attorney, may file
15 a certified copy of the order of suspension with the county treasurer or with the city
16 treasurer of cities authorized by law to sell lands for the nonpayment of taxes as to
17 the taxes and assessments. The person shall file with the order an affidavit in
18 triplicate, sworn to by the person or agent or attorney, setting forth the name of the
19 owner, the legal description of the property, the type of property, when acquired,
20 volume and page number where the deed was recorded if acquired by deed, and the
21 name of the estate if acquired by descent, amount of delinquent taxes if any, and the
22 names of the holders of any outstanding mortgage, lien, or other encumbrance. Upon
23 receipt of the filing, the county treasurer or city treasurer shall record the order in
24 the office of the register of deeds of the county and file a copy in the office of the
25 treasurer, who shall make proper notation that a person in ~~military service~~ federal

1 active duty is the holder of the legal title and has made application for special relief.
2 The county treasurer or city treasurer shall immediately forward an additional copy
3 of the order and affidavit to the office of the clerk of the town, city, or village where
4 the property is located, or if it is located in a city, authorized to sell lands for
5 nonpayment of its taxes, to the commissioner of assessments, who shall make an
6 appropriate notation in the records.

7 (g) Any person seeking relief under this ~~section~~ subsection, within 6 months
8 after termination of ~~military service~~ federal active duty, or the person's agent or
9 attorney, or in case of death of the person, the personal representative, surviving
10 spouse, or heir, may apply to the county treasurer of the county, or the city treasurer
11 of a city authorized by law to sell lands for the nonpayment of taxes, where the
12 property is located, for an agreement for scheduled installment payments, covering
13 the taxes accrued during the person's period of ~~military service~~ federal active duty,
14 provided that the taxes will be paid over a period of time equal to a period no longer
15 than twice the length of ~~military service~~ federal active duty of the person, in equal
16 periodic installments of not less than \$10, and subject to any other terms as may be
17 just and reasonable.

18 **SECTION 145.** 21.74 (8) of the statutes is renumbered 321.61 (1) (h).

19 **SECTION 146.** 21.74 (9) of the statutes is renumbered 321.61 (2), and 321.61 (2)

20 (a) 2., (b) 1., (c) and (g), as renumbered, are amended to read:

21 321.61 (2) (a) 2. "Contract" means an agreement between a person in ~~military~~
22 ~~service~~ federal active duty and a mobile telephone service provider that requires the
23 person in ~~military service~~ federal active duty to pay the mobile telephone service
24 provider a monthly fee in exchange for the use of a mobile telephone.

1 (b) 1. The contract was executed by or on behalf of a person in ~~military service~~
2 federal active duty who entered federal active ~~military~~ duty after the contract was
3 executed.

4 (c) A person in ~~military service~~ federal active duty may suspend or terminate
5 a contract to which this subsection applies without any penalties or additional fees
6 at any time after the ~~service member~~ person in federal active duty has been issued
7 orders into federal active duty by giving written notice to the mobile telephone
8 service provider. The ~~service member~~ person in federal active duty shall include a
9 copy of the orders into federal active duty as part of the notice. The notice may be
10 given by 1st class mail to the address provided in the agreement with the mobile
11 telephone service provider or provided in the mobile telephone service provider's
12 billing statement or by delivering the notice to the mobile telephone service
13 provider's branch office.

14 (g) If a mobile telephone service provider assesses a person in ~~military service~~
15 federal active duty any penalty or fee after the person has suspended or terminated
16 the contract under par. (c) or fails to make any refund required under par. (e), the
17 ~~service member shall have the right to~~ person in federal active duty may bring an
18 action for damages. If the ~~service member~~ person in federal active duty prevails in
19 an action brought under this paragraph, the court shall order the mobile telephone
20 service provider to pay the service member exemplary damages of \$2,000.

21 SECTION 147. 21.75 (title) of the statutes is renumbered 321.62 (title) and
22 amended to read:

23 321.62 (title) ~~Soldiers' and sailors'~~ Service members civil relief act;
24 state service active duty.

25 SECTION 148. 21.75 (1) (intro.) of the statutes is renumbered 321.62 (1) (intro.).

1 **SECTION 149.** 21.75 (1) (a) of the statutes is repealed.

2 **SECTION 150.** 21.75 (1) (b), (cm) and (d) of the statutes are renumbered 321.62
3 (1) (a), (b) and (c) and amended to read:

4 321.62 (1) (a) "Court" means a Wisconsin circuit court of record, a Wisconsin
5 court of appeals, or the Wisconsin supreme court.

6 (b) "Period of ~~active state service~~ active duty" means the period beginning on
7 the date on which the service member receives an order to enter state active state
8 service duty and ending on the date of the service member's release from state active
9 ~~state service~~ duty or death while in on state active state ~~service~~ duty.

10 (c) "Service member" means a ~~resident of this state~~ member of the national
11 guard or state defense force who may be ^{ordered} is called into active state service active duty
12 for 30 days or more.

13 **SECTION 151.** 21.75 (1) (c) of the statutes is repealed.

14 **SECTION 152.** 21.75 (2) of the statutes is renumbered 321.62 (2), and 321.62 (2)
15 (b) and (c), as renumbered, are amended to read:

16 321.62 (2) (b) If a service member is the principal on a criminal bail bond and
17 his or her ~~active state service~~ active duty causes the surety upon the bond to be
18 prevented from enforcing the attendance of the service member at court, the court
19 shall not enforce the provisions of the bond during the service member's period of
20 ~~active state service~~ active duty and may either during or after the period of state
21 ~~active service~~ duty discharge the surety and exonerate the bail.

22 (c) A surety, guarantor, endorser, or other person subject to the obligation,
23 liability, court action, order, writ, or judgment under par. (a) or (b) may waive in
24 writing the rights afforded by this subsection, except that the waiver is not valid
25 unless the waiver is executed as an instrument separate from the obligation, liability,

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marks.
ignore

1 court action, order, writ, or judgment. The waiver under this paragraph is not valid
2 after the beginning of the period of ~~active state service~~ active duty if executed by a
3 service member who subsequently is ~~called~~ ^{ordered} into ~~active state service~~ active duty. The
4 waiver under this paragraph is not valid if executed by a dependent of a service
5 member unless the waiver is executed during the period of ~~active state service~~ active
6 duty.

7 **SECTION 153.** 21.75 (3) of the statutes is renumbered 321.62 (3) and amended
8 to read:

9 321.62 (3) EFFECT ON RIGHTS UNDER A WRITTEN AGREEMENT. This section does not
10 prevent the modification, termination, or cancelation of any contract, lease,
11 bailment, or secured obligation, or the repossession, retention, foreclosure, sale, or
12 forfeiture of property that is security for any obligation or which has been purchased
13 or received under a contract, lease, or bailment under a written agreement of the
14 parties if that agreement is executed during or after the period of ~~active state service~~
15 active duty.

16 **SECTION 154.** 21.75 (4) of the statutes is renumbered 321.62 (4).

17 **SECTION 155.** 21.75 (5) of the statutes is renumbered 321.62 (5), and 321.62 (5)
18 (a) and (b) (intro.) and 1., as renumbered, are amended to read:

19 321.62 (5) (a) If, in any court action, there is a default of any appearance of the
20 defendant, the plaintiff, when requesting a default judgment, shall file with the court
21 an affidavit setting forth facts showing that the defendant is not in ~~active state~~
22 ~~service~~ active duty. If the plaintiff is unable to file such an affidavit, the plaintiff
23 shall, when requesting a default judgment, file an affidavit setting forth that the
24 defendant is in ~~active state service~~ active duty or that the plaintiff is unable to
25 determine if the defendant is in ~~active state service~~ active duty. If an affidavit is not

1 filed showing that the defendant is not in active state service active duty, a default
2 judgment may not be entered without a court order. A court may not order the entry
3 of a default judgment if the defendant is in active state service active duty until the
4 court has appointed an attorney to represent the defendant and protect the
5 defendant's interests. Unless the court determines that the defendant is not in active
6 state service active duty, the court may require, as a condition of entering judgment,
7 the plaintiff to file a bond to indemnify the defendant, if he or she is in active state
8 service active duty, against any loss or damage resulting from the judgment if any
9 part of the judgment is later set aside. The court may make any other order as may
10 be necessary to protect the interests of the defendant under this section.

11 (b) (intro.) If a judgment is rendered in a court action against a service member
12 during the period of active state service active duty or within 30 days after the end
13 of that period of active state service active duty, and it appears that the service
14 member was prejudiced in making a defense by reason of his or her active state
15 service active duty, the court may reopen that judgment if all of the following
16 conditions exist:

17 1. The service member moves the court to reopen the judgment within 90 days
18 after his or her period of active state service active duty ends.

19 **SECTION 156.** 21.75 (6) and (7) of the statutes are renumbered 321.62 (6) and
20 (7) and amended to read:

21 321.62 (6) STAY OF ACTION. During any stage of a court action in which a service
22 member in active state service active duty is involved as a party, or within 60 days
23 after the end of the period of active state service active duty, the court in which the
24 action is pending may on its own motion, and shall, on application of the service
25 member or some person acting on behalf of the service member, stay the action unless

1 the court determines that the service member's ability to represent his or her interest
2 in the action is not materially affected by reason of his or her active state service
3 active duty.

4 (7) STAY OR VACATION OF EXECUTIONS OR ATTACHMENTS. In any court action that
5 is commenced against a service member before or after entering active state service
6 active duty, or within 60 days after the period of active state service active duty ends,
7 the court may on its own motion, and shall, on application of the service member or
8 some person acting on behalf of the service member, stay the execution of any
9 judgment or order entered against the service member, or stay or vacate any
10 attachment or garnishment regarding the service member's property, unless the
11 court determines that the service member's ability to comply with the judgment or
12 order is not materially affected by reason of his or her active state service active duty.

13 **SECTION 157.** 21.75 (8) of the statutes is renumbered 321.62 (8), and 321.62 (8)
14 (a), as renumbered, is amended to read:

15 321.62 (8) (a) Any stay of any action, attachment, execution, or garnishment
16 under this section may be ordered for the period of the active state service active duty
17 and ~~3 months~~ 90 days after that period has ended, or for any part of that time.

18 **SECTION 158.** 21.75 (9) and (10) of the statutes are renumbered 321.62 (9) and
19 (10) and amended to read:

20 321.62 (9) STATUTES OF LIMITATIONS. The period of active state service active
21 duty may not be included in computing any period for the bringing of any action or
22 proceeding in any court or before any public agency, as defined in s. 36.54 (2) (a) 2.,
23 by or against a person in active state service active duty or by or against his or her
24 heirs, personal representatives, or assigns, whether the cause of action or proceeding

1 or the right to bring the action or proceeding accrued before or during the period of
2 active state service active duty.

3 (10) MAXIMUM INTEREST RATE. No obligation or liability bearing interest at a rate
4 in excess of 6% per year incurred by a service member in active state service active
5 duty before his or her entry into that service duty may, during any part of the period
6 of active state service active duty, bear interest in excess of 6% per year except by
7 court order. If, upon application by an obligee, a court determines that the ability of
8 the service member to pay interest upon the obligation or liability at a rate in excess
9 of 6% per year is not materially affected by reason of his or her active state service
10 active duty, the court may make any order that is just. In this subsection, "interest"
11 includes service charges, renewal charges, fees, or other charges, other than
12 insurance, in respect to the obligation or liability.

13 SECTION 159. 21.75 (11) of the statutes is renumbered 321.62 (11), and 321.62
14 (11) (a) and (b), as renumbered, are amended to read:

15 321.62 (11) (a) No eviction may be made during the period of active state service
16 active duty in respect to any premises for which the agreed rent does not exceed
17 ~~\$1,200 per month~~ the amount specified in 50 USC App. 531, occupied chiefly for
18 dwelling purposes by the spouse, children, or other dependents of a service member
19 who is in active state service active duty, except upon order of a court in an action
20 affecting the right of possession.

****NOTE: The drafting subcommittee wanted to highlight this change for the special committee. Under current law, the spouse, children, or other dependents of a person who is on state active duty may not be evicted from premises for which the rent does not exceed \$1,200 per month, except by court order. The subcommittee recommends tying the amount of the rent to the amount of rent specified in a parallel federal law. Under the referenced federal law, the amount is \$2,400 per month, adjusted for inflation beginning in 2004.

(b) In an action for eviction under par. (a), the court may on its own motion, and shall, on application of the service member or some person acting on behalf of the service member, stay the proceedings for not longer than ~~3 months~~ 90 days unless the court determines that the ability of the tenant to pay the agreed rent is not materially affected by the active state service active duty. The court may make any other order in the eviction action as it considers necessary and just. If a stay or order is issued under this paragraph, the court may, upon the request of the owner of the premises, make any other order as may be applicable to conserve the interests of all of the parties.

SECTION 160. 21.75 (12) of the statutes is renumbered 321.62 (12), and 321.62 (12) (a), (b) (intro.) and (c) 1., as renumbered, are amended to read:

321.62 (12) (a) In this subsection, "obligation" means an obligation of a service member in active state service active duty that was incurred before the service member's period of active state service active duty began and that is secured by a mortgage, deed of trust, or other security in the nature of a mortgage on real or personal property that is owned by the service member.

(b) (intro.) If a court action against a service member is commenced during the service member's period of active state service active duty to enforce an obligation for nonpayment of any sum due or for any other breach of terms occurring before or during the service member's period of active state service active duty, the court shall hold a hearing on the matter. Unless the court determines that the service member's ability to comply with the terms of the obligation is not materially affected by reason of his or her active state service active duty, the court on its own motion may, or upon application of the service member or another person on his or her behalf shall, do any of the following:

(c) 1. Notwithstanding the times provided in ss. 846.10, 846.101, 846.102, and 846.103 for sales of real property, no foreclosure, sale, or seizure of property for nonpayment of any sum due or for any other breach of terms is valid if it occurs during or within ~~3 months~~ 90 days after the service member's period of active state service active duty, unless the court ordered the foreclosure, sale, or seizure of property before the beginning of the service member's period of active state service active duty and approves the foreclosure, sale, or seizure after it occurs.

***NOTE: I changed "3 months" to "90 days." OK?

SECTION 161. 21.75 (13) of the statutes is renumbered 321.62 (13) and amended to read:

321.62 (13) PERSONAL PROPERTY CONTRACTS. When an action to resume possession of personal property, or to rescind or terminate a contract for the purchase of personal property, has been stayed under this section, the court may appoint 3 disinterested persons to appraise the property. Based upon the report of the appraisers, and unless undue hardship would result to the dependents of the service member in active state service active duty, the court may order that a sum be paid to the service member as a condition of resuming possession of the property or rescinding or terminating the contract.

SECTION 162. 21.75 (14) of the statutes is renumbered 321.62 (14), and 321.62 (14) (a) 1. and (b), as renumbered, are amended to read:

321.62 (14) (a) 1. The lease was executed by or on behalf of a service member who entered active state service active duty after the lease was executed.

(b) A lease to which this subsection applies may be terminated by the service member at any time after the beginning of the service member's period of active state service active duty by giving notice in writing by personal delivery or first class mail

1 to the landlord or the person who has been receiving rent or managing the property
2 as the landlord's agent.

3 **SECTION 163.** 21.75 (15) of the statutes is renumbered 321.62 (15), and 321.62
4 (15) (a) and (b), as renumbered, are amended to read:

5 321.62 (15) (a) Notwithstanding ss. 704.05 (5) and 704.90, no person may
6 enforce a lien for storage of any household goods, furniture, or personal effects of a
7 service member during the period in which the service member is in ~~military service~~
8 state active duty and for 90 days after the member's completion of ~~military service~~
9 state active duty, except as permitted by a court order under par. (b).

10 (b) No person may exercise any right to foreclose or enforce a lien for the storage
11 of household goods, furniture, or personal effects of a service member during the
12 service member's period of active state service active duty and for ~~3 months~~ 90 days
13 after that period ends except upon an order of the court. In an action under this
14 paragraph, the court, after a hearing, may on its own motion, and shall, on
15 application of the service member or some person acting on behalf of the service
16 member, stay the proceeding or make such other order as may be equitable to
17 conserve the interests of all parties, unless the court determines that the ability of
18 the service member to pay storage charges due is not materially affected by his or her
19 active state service active duty.

***NOTE: I changed "3 months" to "90 days." OK?

20 **SECTION 164.** 21.75 (16) of the statutes is renumbered 321.62 (16) and amended
21 to read:

22 321.62 (16) DEPENDENT BENEFITS. Upon application to the court, a dependent
23 of a service member is entitled to the same benefits given to a service member while
24 in active state service active duty, unless the court determines that the ability of the

1 dependent to comply with the terms of an obligation, contract, lease, or bailment is
2 not materially impaired by reason of the service member's active state service active
3 duty.

4 SECTION 165. 21.75 (17) of the statutes is renumbered 321.62 (17).

5 SECTION 166. 21.75 (18) of the statutes is renumbered 321.62 (18) and amended
6 to read:

7 321.62 (18) CERTIFICATE OF ~~SERVICE~~ STATE ACTIVE DUTY; PERSON REPORTED MISSING.

8 (a) In any action or proceeding under this section, a certificate signed by the adjutant
9 general or a person designated by the adjutant general as to the period of state active
10 service duty of a service member shall be ~~prima facie~~ evidence as to any of the
11 following facts unless shown to be incorrect:

12 1. That the service member named has been in active state service active duty.

13 2. The period of the active state service active duty, including the date the
14 service member was ordered into active state service active duty.

15 3. The monthly pay received by the service member in active state service active
16 duty at the time the certificate was issued.

17 4. If the service member died while in active state service active duty, the date
18 and the place where he or she died.

19 (b) The adjutant general shall provide the certificate under par. (a) upon
20 request of the service member or of a person acting on behalf of the service member
21 or his or her estate, and any certificate so provided shall be ~~prima facie~~ evidence of
22 the facts stated in the certificate and of the authority of the signer to issue the
23 certificate unless shown to be incorrect.

24 (c) When a service member in active state service active duty has been reported
25 missing to the department, the service member shall be presumed to continue in

1 ~~active state service~~ active duty until accounted for, and no period limited under this
2 section which begins or ends with the death of a service member shall begin or end
3 until the death of the service member is determined by the department or by a court.

4 **SECTION 167.** 21.75 (19) of the statutes is renumbered 321.62 (19).

5 **SECTION 168.** 21.75 (20) of the statutes is renumbered 321.62 (20), and 321.62
6 (20) (a), as renumbered, is amended to read:

7 321.62 (20) (a) A service member may, at any time during his or her period of
8 ~~active state service~~ active duty, or within ~~6 months~~ 180 days after that ~~service~~ duty
9 ends, apply to a court for relief with respect to any obligation or liability incurred by
10 the service member before his or her period of ~~active state service~~ active duty. The
11 court, after appropriate notice and hearing, may grant the following relief unless the
12 court determines that the ability of the service member to comply with the terms of
13 the obligation or liability has not been materially affected by his or her state active
14 ~~service~~ duty:

***NOTE: I changed "6 months" to "180 days." OK?

15 1. In the case of an obligation payable in installments under a contract for the
16 purchase of real estate, or secured by a mortgage upon real estate, a stay of the
17 enforcement of the obligation during the period of ~~active state service~~ active duty
18 and, from the date of the end of the period of ~~active state service~~ active duty or from
19 the date of requesting the relief if made after the ~~service~~ state active duty is ended,
20 for a period equal to the period of the remaining life of the installment contract or
21 instrument evidencing the obligation plus a period of time equal to the period of
22 ~~active state service~~ active duty, or any part of that combined period. The court may
23 issue a stay under this paragraph if the service member makes payments of the
24 balance of the principal and accumulated interest due and unpaid at the date of the

1 end of the period of ~~active state service~~ active duty or from the date of requesting the
2 relief, whichever is appropriate, in equal installments during the combined period
3 and at the rate of interest as is prescribed in the contract or instrument evidencing
4 the obligation for installments paid when due. The court may order other terms
5 under this paragraph as are just.

6 2. In the case of any other obligation or liability, a stay of the enforcement of
7 that obligation or liability during the service member's period of ~~active state service~~
8 active duty and, from the date of the end of the period of ~~active state service~~ active
9 duty or from the date of requesting the relief if made after the service duty is ended,
10 for a period equal to the period of ~~active state service~~ active duty or any part of that
11 period. The court may issue a stay under this paragraph if the service member
12 makes payments of the balance of the principal and accumulated interest due and
13 unpaid at the date of the end of the period of ~~active state service~~ active duty or from
14 the date of requesting the relief, whichever is appropriate, in equal installments
15 during the extended period and at the rate of interest as is prescribed for the
16 obligation or liability when due. The court may order other terms under this
17 paragraph as are just.

18 **SECTION 169.** 21.75 (21) of the statutes is renumbered 321.62 (21), and 321.62
19 (21) (b), as renumbered, is amended to read:

20 321.62 (21) (b) No power of attorney executed ~~after December 14, 2001~~, by a
21 service member in ~~active state service~~ active duty may be extended under par. (a) if
22 the document creating the power of attorney clearly indicates that the power granted
23 expires on the date specified even if the service member, after the date of execution
24 of the document, is reported missing to the department.

1 **SECTION 170.** 21.75 (22) of the statutes is renumbered 321.62 (22), and 321.62
2 (22) (a), (b) 2. and (c) 1., as renumbered, are amended to read:

3 321.62 **(22)** (a) 1. If a service member who is ~~called~~^{ordered} into active state service
4 active duty has coverage under a professional liability insurance policy that does not
5 cover claims filed with respect to the service member during the period of active state
6 service active duty unless the premiums are paid for the coverage for that period, the
7 insurer that provides the coverage shall suspend the service member's coverage
8 under the policy upon receipt of a written request from the service member to do so.
9 The insurer may not require that premiums be paid for the suspended coverage. The
10 insurer shall refund any premium amount already paid for coverage of the service
11 member for the period after the coverage is suspended or shall, at the option of the
12 service member, apply such amount to payment of any premium that becomes due
13 upon reinstatement of the coverage.

14 2. Subdivision 1. does not require the suspension of coverage for any other
15 person who has coverage under the policy and who is not a service member ~~called~~^{ordered} into
16 active state service active duty or relieve any person of the obligation to pay
17 premiums for coverage that is not required to be suspended under subd. 1.

18 (b) 2. For purposes of subd. 1., a claim that is based on the failure of a
19 professional to make adequate provision for the care of patients during the
20 professional's period of active state service active duty shall be considered to be based
21 on an action or the failure to take action before the beginning of the period during
22 which coverage is suspended under this subsection, unless professional services
23 were provided after the date on which the suspension of coverage began.

24 (c) 1. If a service member whose professional liability insurance coverage is
25 suspended under par. (a) transmits to the insurer, within 30 days after the date on

1 which the service member is released from active state service active duty, a written
2 request for reinstatement of his or her professional liability insurance coverage, the
3 insurer must reinstate the coverage as of the date on which the insurer receives the
4 written request. The period for which the coverage must be reinstated may not be
5 less than the balance of the period for which the coverage would have continued
6 under the policy had the coverage not been suspended.

7 **SECTION 171.** 21.75 (23) of the statutes is renumbered 321.62 (23) and amended
8 to read:

9 **321.62 (23) NOTICE OF BENEFITS UNDER THIS SECTION.** The department shall
10 provide each service member a brochure explaining this section when that service
11 member enters active state service active duty.

12 **SECTION 172.** 21.78 (title), (1), (2), (3) and (4) of the statutes are renumbered
13 321.63 (title), (1), (2), (3) and (4) and amended to read:

14 **321.63 (title) ~~Employees~~ Local government employees or officers in**
15 **~~military service federal active duty.~~ (1) The governing body of any county, town,**
16 **~~city, village, school district, or technical college district~~ A local governmental unit, as**
17 **defined in s. 66.0135 (1) (c), may grant a leave of absence to any employee or officer**
18 **who is inducted or who enlists in the U.S. armed forces for a period of ~~military service~~**
19 **federal active duty of not more than ~~4~~ 5 years unless the employee is involuntarily**
20 **retained for a longer period. No salary or compensation of the employee or officer**
21 **shall be paid, nor claim for the salary or compensation exist, during the leave of**
22 **absence, except as provided in this section. If the employee's or officer's salary or**
23 **compensation is less in the U.S. armed forces than was paid by the ~~county, town, city,~~**
24 **~~village, school district, or technical college district~~ local governmental unit, that**
25 **governmental unit may pay the employee or officer the difference between the salary**

1 or compensation paid by the U.S. armed forces and the salary or compensation that
2 the employee or officer was paid by the ~~county, town, city, village, school district, or~~
3 ~~technical college district~~ local governmental unit at the time that he or she enlisted
4 in or was inducted into the U.S. armed forces.

****NOTE: The drafting subcommittee wanted to highlight for the special committee the change in the number of years for which a local governmental unit may grant a leave of absence to an employee or officer who is serving in federal active duty. In order to follow federal law, the statute is being amended to allow a 5-year leave of absence; current law allows 4 years.

5 (2) The governing body local governmental unit may provide for safeguarding
6 the reinstatement and pension rights, as limited in this section, of any employee or
7 officer so inducted or enlisted.

8 (3) No employee or officer who is appointed to fill the place of any employee or
9 officer so inducted or enlisted shall acquire permanent tenure during the period of
10 the replacement service.

11 (4) If the leave of absence under sub. (1) is granted to an elected or appointed
12 official or employee and the official or employee has begun ~~service in the U.S. armed~~
13 ~~forces~~ federal active duty, a temporary vacancy exists and a successor may be
14 appointed to fill the unexpired term of the official or employee, or until the official
15 or employee returns and files an election to resume the office if the date of the filing
16 is prior to the expiration of the term. The appointment shall be made in the manner
17 provided for the filling of vacancies caused by death, resignation, or otherwise, except
18 that no election need be held to fill a temporary vacancy. The appointee has all the
19 powers, duties, liabilities, and responsibilities and shall be paid and receive the
20 compensation and other benefits of the office or position, unless otherwise provided
21 by the governing body local governmental unit. Within 40 days after the termination
22 of ~~service in the U.S. armed forces~~ federal active duty, the elected or appointed official

1 or employee, upon filing with the clerk of the local governmental unit, a statement
2 under oath of termination and that the official or employee elects to resume the office
3 or position, may resume the office or position for the remainder of the term for which
4 elected or appointed. The person temporarily filling the vacancy shall cease to hold
5 the office on the date of the filing.

6 **SECTION 173.** 21.78 (5) of the statutes is repealed.

7 **SECTION 174.** 21.79 of the statutes is renumbered 321.64, and 321.64 (title), (1)
8 (a) (intro.), 1., 3. and 5., (2) and (4), as renumbered, are amended to read:

9 **321.64 (title) Reemployment after completion of military service**
10 **federal active duty or service.** (1) (a) (intro.) Any person who has enlisted or
11 enlists in or who has been or is inducted or ordered into ~~active service in the U.S.~~
12 ~~armed forces pursuant to 50 App. USC 301, 401, and 451, or P.L. 87-117 federal~~
13 ~~active duty for 90 days or more,~~ and any person whose services are requested by the
14 federal government for national defense work as a civilian during a period officially
15 proclaimed to be a national emergency or a limited national emergency, who, to
16 perform the training duty or service, has left or leaves a position, other than a
17 temporary position, in the employ of any political subdivision of the state or in the
18 employ of any private or other employer, shall be restored to that position or to a
19 position of like seniority, status, pay, and salary advancement as though service
20 toward seniority, status, pay, or salary advancement had not been interrupted by the
21 absence, if all of the following conditions are met:

22 1. The person presents to the employer evidence of satisfactory completion of
23 the period of ~~training or civilian~~ federal active duty or federal government service,
24 or of discharge from the U.S. armed forces under conditions other than dishonorable.

1 3. The person makes application for reemployment and resumes work within
2 90 days after completion of the ~~training or~~ federal active duty or federal government
3 service, military or civilian, or was so discharged from the U.S. armed forces, or
4 within 6 months after release from hospitalization for duty-connected or
5 service-connected injury or disease.

6 5. The ~~military service~~ federal active duty or federal government service was
7 not for more than ~~4~~ 5 years unless extended by law.

****NOTE: See the note following s. 321.63 (1) regarding the change from 4 years
to 5 years.

****NOTE: This section discussed armed forces duty and civilian service during a
national emergency, so throughout this section I added the duty and service language.
OK?

8 (2) The service of any person who is or was restored to a position in accordance
9 with sub. (1) shall be considered not to be interrupted by the absence, except for the
10 receipt of pay or other compensation for the period of the absence and he or she shall
11 be entitled to participate in insurance, pensions, retirement plans, or other benefits
12 offered by the employer under established rules and practices relating to employees
13 on furlough or leave of absence in effect with the employer at the time the person
14 entered or was enlisted, inducted, or ordered into ~~the forces and service~~ federal active
15 duty or federal government service. The person whose position was restored may not
16 be discharged from the position without cause within one year after restoration and
17 the discharge is subject to all federal or state laws affecting any private employment
18 and to the provisions of contracts that may exist between employer and employee.
19 Each ~~county, town, city, or village~~ political subdivision shall contribute or pay all
20 contributions of the employer to the applicable and existent pension, annuity, or
21 retirement system as though the service of the employee had not been interrupted
22 by ~~military service~~ federal active duty or federal government service.

(4) No person who is appointed in the service of the state or of any county, city, village, or town political subdivision to fill the place of a person entering service in the U.S. armed forces federal active duty or federal government service under sub. (1) shall acquire permanent tenure during the period of that replacement service.

SECTION 175. 21.80 (title) and (1) (intro.) of the statutes are renumbered 321.65 (title) and (1) (intro.).

SECTION 176. 21.80 (1) (a) of the statutes is renumbered 321.65 (1) (a), and 321.65 (1) (a) (intro.), 1. and 3., as renumbered, are amended to read:

321.65 (1) (a) (intro.) "Active state service" means any of the following:

1. ~~Active service in the national guard or the state defense force under an order of the governor issued under this chapter~~ State active duty or active service duty in the national guard under 32 USC 502 (f) ~~that is not considered to be service in the~~ uniformed services.

3. Active service duty in the national guard of any state under an order of the governor of that state.

SECTION 177. 21.80 (1) (b) to (e) of the statutes are renumbered 321.65 (1) (b) to (e).

SECTION 178. 21.80 (1) (f) of the statutes is repealed.

SECTION 179. 21.80 (1) (g) of the statutes is renumbered 321.65 (1) (f).

SECTION 180. 21.80 (2) of the statutes is renumbered 321.65 (2) and amended to read:

321.65 (2) MORE GENEROUS RIGHTS PERMITTED. Nothing in this section prohibits an employer from providing employees who are ~~called~~ ^{ordered} into active state service with reemployment rights and benefits that are more generous to the employee than the rights and benefits provided under this section.

1 **SECTION 181.** 21.80 (3) of the statutes is renumbered 321.65 (3), and 321.65 (3)
2 (a) (intro.), 1., 2. and 4., (c), (d) 2., (e) 1., 2. and 3., (f) 1. and (h), as renumbered, are
3 amended to read:

4 **321.65 (3) (a) Prerequisites.** (intro.) Subject to par. (d), any person who is a
5 resident of this state and absent from a position of employment because of active
6 state service is entitled to the reemployment rights and benefits specified in this
7 section if all of the following apply:

8 1. Except as provided in par. (b), the person or an appropriate officer in the
9 national guard of this or another state or the state defense force has given advanced
10 notice of the active state service to the person's employer.

11 2. Except as provided in par. (c), the cumulative length of the absence from the
12 position of employment and of all previous absences from a position of employment
13 with the employer by reason of active state service or ~~service in the uniformed~~
14 services federal active duty does not exceed 5 years.

15 4. In the case of active state service in the national guard in this or another state
16 or the state defense force, the active state service has not been terminated under
17 other than honorable conditions.

18 (c) *Length of absence limit.* The periods of ~~service in the uniformed services~~
19 ~~described in 38 USC 4312 (e) (1) to (4)~~ federal active duty and all of the following
20 periods of active state service are not included in calculating the 5-year period
21 specified in par. (a) 2.:

***NOTE: There is an inconsistency between this intro. language and the language
in par. (a) 2. Should federal duty be removed here?

PLAIN

1 1. Any period of active state service, ~~as defined in sub. (1) (a) 1.~~, beyond that
2 5-year period that is required to complete an initial period of obligated active state
3 service.

4 2. Any period of active state service, ~~as defined in sub. (1) (a) 1.~~, for which the
5 person, through no fault of the person's own, was unable to obtain orders releasing
6 the person from a period of active state service before the expiration of the 5-year
7 period.

8 3. Any period of active state service, ~~as defined in sub. (1) (a) 1.~~, that was
9 performed to fulfill any additional training requirements determined and certified
10 in writing by the federal secretary of the army, the federal secretary of the air force,
11 or the adjutant general to be necessary for professional development or for
12 completion of skill training or retraining.

13 4. Any period of active state service that was performed by a person who was
14 ordered to, or retained in, active state service, other than for training, because of a
15 state emergency declared by the governor, because of a war or national emergency
16 declared by the president of the United States or Congress, because of insurrection,
17 rebellion, riot, invasion, or resistance to the execution of the laws of this state or of
18 the United States, or in support of an operational mission, a critical mission, or any
19 other requirement of the ~~uniformed services~~ U.S. armed forces.

20 (d) 2. The position of employment that the person left to perform active state
21 service was for a brief, nonrecurrent period and there was no reasonable expectation
22 that the position of employment would continue indefinitely or for a significant
23 period of time.

24 (e) 1. Subject to subds. 4. and 5., if a person who has been absent from a position
25 of employment because of active state service that lasted for less than 31 days, who

1 has been absent from a position of employment for any period of time for the purpose
2 of an examination to determine the person's fitness to perform active state service,
3 or who has been absent from a position of employment because the person was
4 hospitalized for or was convalescing from an illness or injury that was incurred in
5 or aggravated during the performance of that active state service wishes to receive
6 the reemployment rights and benefits specified in this section, the person must
7 notify the person's employer of the person's intent to return to the position of
8 employment by reporting to the employer by no later than the beginning of the first
9 full regularly-scheduled work period on the first full calendar day following the
10 completion of the active state service, examination, or period of hospitalization or
11 convalescence, a period of time that allows for the safe transportation of the person
12 from the place of active state service, examination, hospitalization, or convalescence
13 to the person's residence, and a rest period of 8 hours following that transportation
14 period or, if through no fault of the person's own reporting to the employer within that
15 time is impossible or unreasonable, by reporting to the employer as soon as possible
16 after that 8-hour rest period.

17 2. Subject to subds. 4. and 5., if a person who has been absent from a position
18 of employment because of active state service that lasted for more than 30 days, but
19 less than 181 days, or who has been absent from a position of employment because
20 the person was hospitalized for or was convalescing from an illness or injury that was
21 incurred in or aggravated during the performance of that active state service wishes
22 to receive the reemployment rights and benefits specified in this section, the person
23 must notify the person's employer of the person's intent to return to the position of
24 employment by submitting to the employer an application for reemployment by no
25 later than 14 days after the completion of the active state service, hospitalization, or

1 convalescence or, if through no fault of the person's own submitting the application
2 within that time is impossible or unreasonable, by submitting to the employer an
3 application for reemployment by no later than the first full calendar day on which
4 submission of the application becomes possible.

5 3. Subject to subds. 4. and 5., if a person who has been absent from a position
6 of employment because of active state service that lasted for more than 180 days or
7 who has been absent from a position of employment because the person was
8 hospitalized for or was convalescing from an illness or injury that was incurred in
9 or aggravated during the performance of that active state service wishes to receive
10 the reemployment rights and benefits specified in this section, the person must
11 notify the person's employer of the person's intent to return to the position of
12 employment by submitting to the employer an application for reemployment by no
13 later than 90 days after the completion of the active state service, hospitalization, or
14 convalescence or, if through no fault of the person's own submitting the application
15 within that time is impossible or unreasonable, by submitting to the employer an
16 application for reemployment by no later than the first full calendar day on which
17 submission of the application becomes possible.

18 (f) 1. A person who submits an application for reemployment under par. (e) 2.
19 or 3. must, on the request of the person's employer, provide to the employer
20 documentation to establish that the application was submitted within the time
21 limits specified in par. (e) 2. or 3., that the person's cumulative length of all absences
22 from employment with the employer because of active state service ~~or service in the~~
23 ~~uniformed services and federal active duty~~ does not, except as permitted under par.
24 (c), exceed 5 years, and, in the case of active state service in the national guard in this

1 or another state or the state defense force, that the person's service was not
2 terminated under other than honorable conditions.

3 (h) *Prohibited bases for denial of reemployment.* In determining a person's
4 right to reemployment and other benefits under this section, an employer may not
5 deny reemployment or any other benefits based on the timing, frequency, duration,
6 or nature of the person's active state service or ~~service in the uniformed services~~
7 federal active duty so long as the requirements under par. (a) are met.

8 **SECTION 182.** 21.80 (4) of the statutes is renumbered 321.65 (4), and 321.65 (4)
9 (a), as renumbered, is amended to read:

10 321.65 (4) (a) *Prompt reemployment required.* 1. Subject to subds. 3. and 4. and
11 par. (b), an employer shall reemploy a person who is entitled to reemployment under
12 sub. (3) and whose period of active state service was for less than 91 days promptly
13 on completion of that period of active state service in the position of employment in
14 which the person would have been employed if the continuous employment of the
15 person with the employer had not been interrupted by that active state service so
16 long as the person is qualified to perform the duties of that position or, if after
17 reasonable efforts by the employer to qualify the person to perform those duties the
18 person is not qualified to perform those duties, in the position of employment in
19 which the person was employed on the date on which the person's period of active
20 state service began.

21 2. Subject to subds. 3. and 4. and par. (b), an employer shall reemploy a person
22 who is entitled to reemployment under sub. (3) and whose period of active state
23 service was for more than 90 days promptly on completion of that period of active
24 state service in the position of employment in which the person would have been
25 employed if the continuous employment of the person with the employer had not been

1 interrupted by that active state service or in a position of employment of like
2 seniority, status, and pay so long as the person is qualified to perform the duties of
3 that position or, if after reasonable efforts by the employer to qualify the person to
4 perform those duties the person is not qualified to perform those duties, in the
5 position of employment in which the person was employed on the date on which the
6 person's period of active state service began or in a position of employment of like
7 seniority, status, and pay.

8 3. Subject to par. (b), in the case of a person who has a disability that was
9 incurred in or aggravated during a period of active state service and who, after
10 reasonable efforts by the employer to accommodate the disability, is not qualified due
11 to the disability to perform the duties of the position of employment in which the
12 person would have been employed if the continuous employment of the person with
13 the employer had not been interrupted by the active state service, the employer shall
14 reemploy the person promptly on completion of that period of active state service in
15 any other position that is equivalent to that position in seniority, status, and pay, the
16 duties of which the person is qualified to perform or would become qualified to
17 perform with reasonable efforts by the employer, or, if there is no other position of
18 employment available that is equivalent to that position in seniority, status, and pay,
19 in a position that is the nearest approximation to that equivalent position in terms
20 of seniority, status, and pay, consistent with the person's circumstances.

21 4. Subject to par. (b), in the case of a person who is not qualified to be employed
22 in the position of employment in which the person would have been employed if the
23 continuous employment of the person with the employer had not been interrupted
24 by the person's active state service or in the position of employment in which the
25 person was employed on the date on which the person's period of active state service

1 began for any reason other than disability incurred in or aggravated during a period
2 of active state service and who cannot become qualified to be so employed with
3 reasonable efforts by the employer, the employer shall reemploy the person promptly
4 on completion of that period of active state service in any other position that the
5 person is qualified to perform and that is the nearest approximation to the position
6 of employment in which the person would have been employed if the continuous
7 employment of the person with the employer had not been interrupted by that active
8 state service, with full seniority, or if no position of employment that is the nearest
9 approximation to that position is available, in a position of employment that the
10 person is qualified to perform and that is the nearest approximation to the position
11 of employment in which the person was employed on the date on which the person's
12 period of active state service began, with full seniority.

13 **SECTION 183.** 21.80 (5) of the statutes is renumbered 321.65 (5) and amended
14 to read:

15 321.65 (5) RIGHTS, BENEFITS, AND OBLIGATIONS. (a) *Seniority.* A person who is
16 reemployed under this section is entitled to the seniority and other rights and
17 benefits determined by seniority that the person had on the last day of employment
18 before the person's active state service began, plus all seniority and other rights and
19 benefits determined by seniority that the person would have had if the continuous
20 employment of the person with the employer had not been interrupted by that active
21 state service.

22 (b) *Continuation of benefits.* 1. Subject to subds. 2. to 5., a person who is absent
23 from employment because of active state service is considered to be on furlough or
24 leave of absence while performing the active state service and is entitled to receive
25 all rights and benefits not determined by seniority that are generally provided by the

1 employer to employees having similar seniority, status, and pay who are on furlough
2 or leave of absence under a contract, agreement, policy, practice, or plan that is in
3 effect on the day on which the active state service began or that is established while
4 the person is performing the active state service.

5 2. If an employer shows that a person who is absent from a position of
6 employment because of active state service has knowingly provided written notice
7 of the person's intent not to return to a position of employment with the employer
8 after that active state service and, in doing so, was aware of the specific rights and
9 benefits under subd. 1. that the person would lose while absent from the position of
10 employment, the person is not entitled to the rights and benefits specified in subd.
11 1. while absent from employment.

12 3. A person who is considered to be on furlough or leave of absence under subd.
13 1. while performing active state service is not entitled to any benefit to which the
14 person would not otherwise be entitled if the person had remained continuously
15 employed.

16 4. An employer may require a person who is considered to be on furlough or
17 leave of absence under subd. 1. while performing active state service to pay the
18 employee cost, if any, of any benefit that is continued under subd. 1. to the same
19 extent that other employees who are on furlough or leave of absence are so required.

20 5. A person who is absent from a position of employment because of active state
21 service is entitled to receive coverage under a health benefit plan during the absence
22 and on reemployment as provided in sub. (6).

23 (c) *Protection from discharge.* An employer that reemploys under this section
24 a person whose period of active state service lasted for more than 30 days, but less
25 than 181 days, may not discharge the person within 180 days after the date of

1 reemployment except for cause. An employer that reemploys under this section a
2 person whose period of active state service lasted for more than 180 days may not
3 discharge the person within one year after the date of reemployment except for
4 cause.

5 **SECTION 184.** 21.80 (6) of the statutes is renumbered 321.65 (6), and 321.65 (6)
6 (a) (intro.) and (c), as renumbered, are amended to read:

7 321.65 (6) (a) *Option to continue coverage.* (intro.) Notwithstanding s. 632.897,
8 if a person who has coverage under a health benefit plan in connection with the
9 person's employment is absent from a position of employment because of active state
10 service, the insurer that issued the health benefit plan shall permit the person, and
11 the person's dependents, to continue coverage under the health benefit plan until the
12 first to occur of the following:

13 (c) *Reinstatement on reemployment.* If a person's coverage under a health
14 benefit plan in connection with his or her employment was terminated because of the
15 person's active state service and if after returning from that active state service the
16 person is reemployed under sub. (3), coverage under the health benefit plan shall be
17 reinstated for the person and the person's dependents immediately upon
18 reemployment. With respect to the reinstated coverage, no exclusion or waiting
19 period may be imposed that would not have been imposed had the coverage not been
20 terminated because of the active state service.

21 **SECTION 185.** 21.80 (7) of the statutes is renumbered 321.65 (7).

22 **SECTION 186.** 21.80 (8) of the statutes is repealed.

23 **SECTION 187.** 40.05 (4g) (a) 4. of the statutes is amended to read:

24 40.05 (4g) (a) 4. Has received a military leave of absence under s. 230.32 (3) (a)
25 or 230.35 (3), under a collective bargaining agreement under subch. V of ch. 111 or

1 under rules promulgated by the director of the office of state employment relations
2 or is eligible for reemployment with the state under s. ~~21.79~~ 321.64 after completion
3 of his or her service in the U.S. armed forces.

4 **SECTION 188.** 45.03 (13) (e) of the statutes is amended to read:

5 45.03 (13) (e) Provide county veterans service officers with the information
6 provided to the department by the adjutant general under s. ~~21.19~~ (14) 321.04 (1) (o)
7 and may provide county veterans service officers with information on all necessary
8 military points of contact and general deployment information for reserve units of
9 the U.S. armed forces.

10 **SECTION 189.** 45.20 (2) (d) 3. of the statutes is amended to read:

11 45.20 (2) (d) 3. A veteran may not receive reimbursement under this subsection
12 for any semester in which he or she is eligible for or received a grant under s. ~~21.49~~
13 321.40 or under 10 USC 2007.

14 **SECTION 190.** 45.60 (1) (b) of the statutes is amended to read:

15 45.60 (1) (b) Military funeral honors may be provided by local units of member
16 organizations of the council on veterans programs, by local units of veterans
17 organizations certified by the department to provide military funeral honors, by
18 members of the Wisconsin national guard activated under s. ~~21.11~~ (3) 321.04 (2) (e),
19 or by staff of the department.

20 **SECTION 191.** 71.93 (1) (a) 6. of the statutes is amended to read:

21 71.93 (1) (a) 6. An amount owed to the department of military affairs under s.
22 ~~21.49 (3m)~~ 321.40 (5).

23 **SECTION 192.** 106.54 (7) of the statutes is amended to read:

1 106.54 (7) The division shall receive complaints under s. ~~21.80 (7) (b) 1. or 2.~~
2 ~~321.65 (7) (b) 1. or 2.~~ and shall process the complaints in the same manner that
3 employment discrimination complaints are processed under s. 111.39.

4 **SECTION 193.** 121.05 (1) (a) 13. of the statutes is amended to read:

5 121.05 (1) (a) 13. Pupils attending the Youth Challenge Academy program
6 under s. ~~21.26~~ 321.03 (1) (c).

7 **SECTION 194.** 121.095 (title) of the statutes is amended to read:

8 **121.095 (title) State aid adjustment; Youth Challenge Academy**
9 **program.**

10 **SECTION 195.** 121.095 (1) (a) of the statutes is amended to read:

11 121.095 (1) (a) Determine the number of pupils counted in the school district's
12 membership who are attending the Youth Challenge Academy program under s.
13 ~~21.26~~ 321.03 (1) (c).

14 **SECTION 196.** 121.095 (1) (b) 1. of the statutes is amended to read:

15 121.095 (1) (b) 1. The amount determined by the department of military affairs
16 under s. ~~21.26 (2) (a)~~ 321.03 (1) (c) 1.

17 **SECTION 197.** 121.90 (1) (intro.) of the statutes is amended to read:

18 121.90 (1) (intro.) "Number of pupils enrolled" means the number of pupils
19 enrolled on the 3rd Friday of September, including pupils identified in s. 121.05 (1)
20 (a) 1. to 11. and 13., and the number of pupils attending the Youth Challenge
21 Academy program under s. ~~21.26~~ 321.03 (1) (c) in the previous spring session, except
22 that "number of pupils enrolled" excludes the number of pupils attending public
23 school under s. 118.145 (4) and except as follows:

24 **SECTION 198.** 230.04 (17) of the statutes is amended to read:

230.04 (17) The director shall resolve any dispute raised by a complaint filed under s. ~~21.79 (1) (c)~~ 321.64 (1) (c).

SECTION 199. 230.315 (1) (c) of the statutes is amended to read:

230.315 (1) (c) The employee has received a military leave of absence under s. 230.32 (3) (a) or 230.35 (3), under a collective bargaining agreement under subch. V of ch. 111, or under rules promulgated by the office of employment relations or is eligible for reemployment with the state under s. ~~21.79~~ 321.64 after completion of his or her service in the U.S. armed forces.

SECTION 200. 230.32 (7) of the statutes is amended to read:

230.32 (7) Any employee who is absent from state service because the employee is in active service, as defined in s. ~~21.80 (1) (a)~~ 321.65 (1) (a), is entitled to all reemployment rights and benefits provided under s. ~~21.80~~ 321.65.

SECTION 201. Chapter 321 (title) of the statutes is created to read:

CHAPTER 321

DEPARTMENT OF MILITARY AFFAIRS

SECTION 202. Subchapter I (title) of chapter 321 [precedes 321.01] of the statutes is created to read:

CHAPTER 321

SUBCHAPTER I

GENERAL PROVISIONS

SECTION 203. 321.01 of the statutes is created to read:

321.01 Definitions. In this chapter:

(1) "Active duty" means federal active duty or state active duty.

(2) "Department" means the department of military affairs.

(3) "Facility" includes armory, base, installation, ~~and~~ ^{and airfield} ~~and~~ ^{or 904}

(3) "Federal active duty" means full-time duty in the active military service of the United States, as defined in 10 USC 101 (d) or 32 USC 502 ~~or~~ 503 ^{or 904}

(4) "Law enforcement agency" means an agency of the federal government, a federally recognized Indian tribe or band, or a state or political subdivision of a state, whose purpose is the detection and prevention of crime and enforcement of laws or ordinances.

(5) "Law enforcement officer" means any person employed by a law enforcement agency who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce.

(6) "Military property" includes arms, clothing, equipment, publications, supplies, and vehicles owned by or in the custody of the department.

(7) "Military records" means correspondence, medical records, personnel records, and other documents in the custody of the department.

(8) "National guard," unless the context otherwise requires, means both the Wisconsin army national guard and the Wisconsin air national guard.

(9) "Political subdivision" means a city, village, town, or county.

(10) "State active duty" means full-time ^{state} duty in the national guard, or state defense force when activated, under an order of the governor or under an order otherwise issued by authority of law, and includes travel to and from ^{that} ~~such~~ duty.

(11) "Unit" means a formally organized division or subset of the national guard or state defense force.

SECTION 204. 321.02 (title) of the statutes is created to read:

321.02 (title) Powers and duties of the governor.

SECTION 205. 321.04 (title) and (1) (intro.) of the statutes are created to read:

1 **321.04** (title) **Powers and duties of the adjutant general.** (1) (intro.) The
2 adjutant general or his or her designee shall do all of the following:

3 **SECTION 206.** 321.04 (1) (b) of the statutes is created to read:

4 321.04 (1) (b) Advise the governor on military issues and transmit military
5 correspondence to and from the governor.

6 **SECTION 207.** 321.04 (1) (j) of the statutes is created to read:

7 321.04 (1) (j) Prepare the training of national guard members.

8 **SECTION 208.** 321.04 (1) (m) of the statutes is created to read:

9 321.04 (1) (m) Prepare and issue all necessary accounting books and forms for
10 the national guard. All of the accounting books and forms shall conform as nearly
11 as practicable to those in use in the U.S. army or air force.

12 **SECTION 209.** 321.04 (1) (p) of the statutes is created to read:

13 321.04 (1) (p) Perform the duties under s. 321.51 (2) (e).

14 **SECTION 210.** 321.04 (2) (intro.) of the statutes is created to read:

15 321.04 (2) (intro.) The adjutant general or his or her designee may do any of
16 the following:

17 **SECTION 211.** 321.04 (2) (f) of the statutes is created to read:

18 321.04 (2) (f) Perform the duties under 321.51 (2) (b).

19 **SECTION 212.** Subchapter II (title) of chapter 321 [precedes 321.10] of the
20 statutes is created to read:

21 **CHAPTER 321**

22 **SUBCHAPTER II**

23 **MILITARY OFFICERS**

24 **SECTION 213.** 321.10 (1) (e) of the statutes is created to read:

321.10 (1) (e) A joint chief of staff, whose rank may may not exceed major general.

SECTION 214. Subchapter III (title) of chapter 321 [precedes 321.20] of the statutes is created to read:

CHAPTER 321

SUBCHAPTER III

MILITARY PROPERTY

SECTION 215. 321.21 (1) of the statutes is created to read:

321.21 (1) In this section, “money” means funds in the custody of the department.

SECTION 216. 321.23 (title) of the statutes is created to read:

321.23 (title) Facilities and lands.

SECTION 217. Subchapter IV (title) of chapter 321 [precedes 321.30] of the statutes is created to read:

CHAPTER 321

SUBCHAPTER IV

NATIONAL GUARD AND

STATE DEFENSE FORCE

SECTION 218. 321.39 (1) (a) (intro.) of the statutes is created to read:

321.39 (1) (a) (intro.) The governor may order into state active duty members of the national guard under the following circumstances:

SECTION 219. 321.39 (1) (a) 3. of the statutes is created to read:

321.39 (1) (a) 3. If the governor declares a state of emergency relating to public health under s. 166.03 (1) (b).

SECTION 220. 321.40 (6) (d) of the statutes is created to read:

(END)

[This part of the Prefatory Note to LRB-0517 (ch 321) goes between the first and second paragraphs that are already in the P2 version of the draft. Also, in the first paragraph that is in the draft, "the drafting subcommittee of" should be deleted. If the special committee acts on a couple of things we raised, but didn't take action on, we can add them to the Pref. Note later—like levels of fines, and base pay.]

Insert LC note:

The bill does the following:

1. Moves the military affairs provisions of the statutes that are currently in ch. 21 to a newly created ch. 321. ✓

2. Reorganizes the entire chapter by subdividing it into the 6 subchapter^s shown in the table of contents set forth below. The current ch. 21 consists of 54 sections that are not organized into subchapters. ✓

3. Makes nonsubstantive editorial changes to modernize language to make the language consistent with current drafting style.

4. Repeals several provisions considered no longer necessary. For example, one section in current ch. 21 relates to the Badger Challenge program, a program that no longer exists. As another example, a section is being repealed that allows the Governor to prescribe rules for issuing of property to bands.

5. Makes minor substantive changes that the drafting subcommittee of the special committee concluded are relatively noncontroversial. These include the following:

- a. Modifying the current provision on legal defense of National Guard and State Defense Force members for actions taken in the line of duty. Currently, legal counsel is appointed for state residents who are members of the State Defense Force or who are members of the National Guard of any state. This bill also includes members of the Wisconsin National Guard or Wisconsin State Defense Force who are not residents of Wisconsin.
- b. Raising the dollar amount of rent of premises from which specified family members of a person may not be evicted while the person is in active state service, unless there is a court order. Under current law, the spouse, children, or others dependents of a service member who is in active state service may not be evicted from premises for which the rent does not exceed \$1,200 per month, unless there is a court order. The bill increases this amount to \$2,400 per month.
- c. Increasing the amount of time for which a local governmental unit may grant a leave of absence to an employee for federal active duty from 4 years to 5 years. ✓
- d. Adding to the military staff of the Governor a joint chief of staff with a specified rank. ✓

LPS:
↑ paragraphs should be indented according to the default settings of the note: pref component

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